

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Arthur Lubin, et al.

v.

Civil No. 06-cv-103-SM

ET Transportation Services, Inc.

REPORT AND RECOMMENDATION

On June 8, 2006, the plaintiff was ordered to serve the summons and complaint on the defendant(s) and to file proof of that service with the Clerk of Court on or before July 20, 2006. Since proof of service has not been made within 120 days after filing of the complaint and after notice, plaintiff has failed to seek an extension or to show cause why service has not been made. I recommend that the complaint be dismissed without prejudice. See Fed. R. Civ. P. 4(m).

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of

Law Committee v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992);
United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: July 24, 2006

cc: Arthur Lubin, *pro se*